

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ALVIE MERRILL

V.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

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CIVIL ACTION NO. G-06-464

OPINION AND ORDER


_____ Before the Court is the Report and Recommendation of the United States Magistrate Judge dated December 1, 2006, which recommends that the converted Motion for Summary Judgment of Defendant, Federal National Mortgage Association, be granted and that the complaint of Plaintiff, Alvie Merrill, be dismissed. The December 20, 2006, deadline set by the Magistrate Judge for the filing of objections has now passed and no objections have been filed by Merrill.

The Court, after *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C), finds that there is no clear error on the face of the record in this cause and the Report and Recommendation of the United States Magistrate Judge is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is the **ORDER** of this Court that the converted Motion for Summary Judgment (Instrument no. 3) of the Federal National Mortgage Association is **GRANTED** and that Merrill' s claim for specific performance is **DISMISSED with prejudice**.

It is further **ORDERED** that this action is **RETURNED** to the Magistrate Judge for the development and initial consideration of the counter-claims asserted against Merrill by the Federal National Mortgage Association.

DONE at Galveston, Texas, this 12th day of January, 2007.


Samuel B. Kent
United States District Judge